

### **REMARKS**

#### **I. Claim Status**

Claims 1, 2, 5-14, 18-20, 22, 35, and 54 are pending.

Claims 3, 4, 15-17, 21, 23-34, and 36-53 have been canceled.

Claims 1-2, 5-14, 18-20, 22, and 35 have been amended.

Claim 54 is new.

#### **II. Claim Objection**

Claims 6-20, 22, and 35 were objected to as being in improper form as a multiple dependent claims can not depend from multiple dependent claims. Applicants have amended the claims to remove all multiple dependencies.

Claim 3 was objected to for reciting non-elected inventions. Claim 3 has been canceled. Applicants have canceled all non-elected claims, without prejudice, but reserve their right to file subsequent applications covering the canceled subject matter.

#### **III. Rejection Under 35 U.S.C. § 102**

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lerman et al. (United States Patent No. 6,441,156).

Lerman et al. disclose  $\alpha_2\delta$  subunits and nucleic acid sequences encoding them. Specifically, Lerman, et al. disclose SEQ ID NO: 4, the full length human  $\alpha_2\delta_2$  sequence, which is the same as SEQ ID NO: 20 of the present application.

Claim 1, as amended, specifically defines soluble  $\alpha_2\delta_2$  subunits which have a C-terminal truncation with respect to the complete  $\delta$  peptide and which retain the functional characteristics of the full-length or wild-type  $\alpha_2\delta_2$  subunit from which it is derived. Lerman et al. do not disclose an  $\alpha_2\delta_2$  subunit having the claimed structure and characteristics.

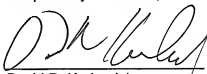
Because the claimed subunits are structurally different from the subunit disclosed in Lerman et al., Applicants respectfully submit that claim 1-5 are not anticipated by Lerman et al. and reconsideration is respectfully requested.

**IV. Conclusion**

In view of the amendments and remarks made above Applicants believe that this application is in condition for allowance. Reconsideration and allowance of claims 1, 2, 5-14, 18-20, 22, 35, and 54 is respectfully requested.

Respectfully submitted,

Dated: 7/20/06



David R. Kurlandsky  
Registration No. 41,505  
Warner-Lambert Company  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Telephone: (734) 622-7304  
Facsimile: (734) 622-2928